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FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Ram Shukla	Anne Brown
COMPANY:	DATE:
U.S. Patent and Trademark Office	MAY 16, 2003
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703.746.3103	5
PHONE NUMBER:	SENDER'S PHONE NUMBER:
703.305.1677	216.426.3586
RE:	SENDER'S FAX NUMBER:
U.S. Serial No.: 09/484,331	216.361.9495

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

PLEASE DELIVER TO EXAMINER SHUKLA.

THANK YOU.

PTOL-413A (05-03)
Approved for use through xx/xx/xxxx. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/484,331 First Named Applicant: John J. Harrington
Examiner: Ram Shukla Art Unit: 1632 Status of Application: After Final

Tentative Participants:
(1) Anne Brown (2) Ram Shukla
(3) Youssef Bennani (4) Deborah Reynolds

Proposed Date of Interview: 6/3/03 **Proposed Time:** 10 **(AM/PM)**

Type of Interview Requested:
(1) [x] **Telephonic** (2) [ ] **Personal** (3) [ ] **Video Conference**

Exhibit To Be Shown or Demonstrated: [x] **YES** [ ] **NO**
If yes, provide brief description: 1.132 Declaration from Response dated 4/25/02
Appendix A from Response dated 4/25/02 and drawing

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Written description	62-68		[ ]	[ ]	[ ]
(2) enablement	62-68		[ ]	[ ]	[ ]
(3) 112-2	62-63		[ ]	[ ]	[ ]
(4) 102	62-66		[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

Brief Description of Arguments to be Presented:
Please see attached.

An interview was conducted on the above-identified application on _____.

NOTE:
This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).
This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Anne Brown
(Applicant/Applicant's Representative Signature) (Examiner/SPE Signature)

Brief Description of Arguments For Issues (1)-(4)

(1) For a claim limited to merely screening compounds for their effect on gene expression, adequate written description does not require a description of the test compounds. This is because there are no constraints on the test compounds.

(2)(a) The method is not directed to screening a drug. It is directed to screening test compounds;

(2)(b) Steps (c) and (d) are readily envisaged by the disclosure of using the RAGE cells for "drug discovery";

(2)(c) Examiner needs to clarify the basis for rejection in the paragraph spanning pages 5-6. When one tests the compound, the compound is tested on a cell that has been screened for activation of a desired gene or phenotype. The exact mechanism of activation is not relevant to the method since the screen is for only the effect of the compound on the end result (i.e., the desired phenotype or the desired gene expression).

(3) The steps asserted to be essential (and omitted) are not, in fact, essential to the claimed screening process, or are not omitted. Comparing the cell with the activated gene to the parent cell without the activated gene is inherent in screening: you are screening for a cell that expresses a gene at a higher level than the non-transfected parent. Also, there is no need to test the compound against a cell where the gene is not activated. What would be the purpose? Applicants cannot find a purpose.

(4) The Examiner asserts that Trueheart anticipates claim 62. To anticipate the reference must disclose a method with every element of the claimed method. The reference discloses the following. A cell that expresses a receptor protein is incubated with a test compound. The test compound activates the receptor protein. The receptor protein activates a signal transduction pathway. The signal transduction pathway activates expression of the BAR-1 gene, an endogenous gene with a heterologous promoter modified to be sensitive to the signal transduction pathway.

The claimed method differs for two reasons. First, the claim recites that the screening is for a compound that interacts with the gene product of an activated endogenous gene. In the method of Trueheart, the compound interacts with a receptor. The receptor is not a product of an endogenous activated gene. The endogenous activated gene is BAR-1. But the screening methods of Trueheart do not encompass screening for compounds that interact with BAR-1. Therefore the reference does not anticipate claim 62 for this reason alone.

Second, with the Trueheart method it is exposure to the compound itself that causes activation. The compound activates the receptor; the receptor activates the signal pathway; the signal pathway activates the BAR-1. In the claimed method, the endogenous gene is activated before the compound is ever introduced. Therefore the reference does not anticipate claim 62 for this reason alone.

Therefore the claim can be distinguished by either one or both of these differences.